

Wabash River Heritage Corridor Fund



Guidelines Manual for Natural and Recreational Projects

DNR OUTDOOR
RECREATION
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Chapter 1

Grant Program Summary

THE WABASH RIVER HERITAGE CORRIDOR FUND

In the late 1980's the Indiana Department of Natural Resources (DNR), began receiving new requests for assistance with conservation and recreational development projects along the Wabash River and its historic transportation corridor. The Wabash River's historic transportation corridor includes the Little River and the old portage to the Maumee River. This is considered the northernmost transportation link for fur traders and canal shippers between Lake Erie and the Gulf of Mexico.

In the recent past, local communities along the Wabash River have taken an aggressive interest in developing this significant yet underutilized resource. Communities have reconnected with the Wabash River's rich natural, recreational, cultural and historical significance. Local communities along the corridor have begun to develop their ideas and plans to rediscover the Wabash—the official State River.

As this surge of enthusiasm and interest began to grow, the Indiana General Assembly in 1990 appropriated \$700,000 to assist in the renaissance of the Wabash River. With the assistance of the DNR, the Wabash River Heritage Corridor Fund (WRHCF) was established to assist in funding conservation and recreational development projects in Cass, Carroll, Tippecanoe, Fountain, and Warren Counties.

The 1991 Indiana General Assembly appropriated an additional \$750,000.00 to the WRHCF program. At the same time, three more counties were added to the eligibility list. Those counties are Miami, Parke and Vermillion. To advise in the direction and procedures of the program the Wabash River Heritage Corridor Commission was established. Membership is made up of the DNR Director and one representative from each county in the corridor.

In 1995 the Indiana General Assembly appropriated an additional \$750,000.00 for the WRHCF. These funds were available in 1996 for all 19 counties along the Wabash River to apply for grants. These counties include: Adams, Allen, Carroll, Cass, Fountain, Gibson, Huntington, Jay, Knox, Miami, Parke, Posey, Sullivan, Tippecanoe, Vermillion, Vigo, Wabash, Warren, and Wells.

In 1998 the General Assembly appropriated \$5 million for the corridor. The intent again is to spread these monies along the corridor to enhance the natural, recreational and cultural significance of the river corridor.

The Indiana General Assembly has defined the Wabash River Heritage Corridor as the Wabash River, the Little River, the strip of land in Indiana abutting the rivers, and the historic

portage to the Maumee River. The DNR views this 510-mile corridor as a greenway (a heritage corridor) with cultural and natural resources rivaling those of any historic transportation route in the country. The corridor is primarily in private ownership and will remain a largely privately-owned greenway.

The WRHCF natural/recreational category is a reimbursing matching state assistance program. Projects may be reimbursed for up to 80 percent of the total project cost. Local sponsors must provide at least 20 percent of the project costs. The matching program promotes a partnership between state and local entities which ensures well planned natural land conservation and creative park development will be available for years to come. A main feature of this program is that land acquired with this fund is set aside in a natural state and /or for public outdoor recreation in perpetuity. This means that these sites will be around forever for future generations to enjoy.

STATE ALLOCATION OF FUNDS

Revenue to finance the Wabash River Heritage Corridor Fund is determined by the state legislature. Funds for the program are available when the State Budget Committee releases the funds. The natural/recreational category of the program is administered by the Division of Outdoor Recreation, and the historical/cultural projects are administered by the Division of Historic Preservation and Archaeology. These divisions work closely with the Wabash River Heritage Corridor Commission.

As funding becomes available, the DNR will consider applications for Wabash River Heritage Corridor Fund grant assistance for sites that are adjacent (strip abutting) to the Wabash River in the eligible counties. Projects will be rated and ranked according to an objective rating criteria. The rated project list will be submitted to the Corridor Commission for recommendation to the Director of the Department of Natural Resources for approval.

PROJECT COST

Grant Amounts

As mentioned before the Wabash River Heritage Corridor Fund program is a reimbursing matching state assistance program. Projects may be reimbursed a total of 80% of total project costs. Applicants may apply for only one project per grant round. The minimum grant amount is \$10,000, maximum grant amount is \$250,000.

Local Match Share

The state funds must be matched with at least 20% of the total project cost from the local sponsor. The match may consist of local budget appropriations, bond issues, loans, private donations of land, equipment, materials, labor and cash; and force account contributions of materials, equipment and labor. Special appropriations of state funds may not be used as a local match.

Reimbursement

The project sponsor will not receive a cash grant at the time of the project approval. Instead, project sponsors must pay bills and supply the needed documentation and then be paid back for

the expenses incurred from the project. Refer to Chapter Seven for a more detailed explanation of the reimbursement procedure.

STATE ADMINISTRATION

Grants Administration

The State and Community Outdoor Recreation Planning Section in the Division of Outdoor Recreation is responsible for the administration of the Wabash River Heritage Corridor Fund for natural/recreational projects. Typical tasks include:

1. Review of project applications.
2. Rating projects to determine ranking for funding priority.
3. Conduct project site inspections.
4. Monitor compliance with state regulations.
5. Process state reimbursement checks for project sponsors.
6. Keep project sponsors current on changes in regulations or procedures.
7. Conduct post-completion inspections to insure sites are being properly operated and maintained.

Questions regarding the natural/recreational projects of the Wabash River Corridor Fund Program should be directed to:

Division of Outdoor Recreation
Indiana Department of Natural Resources
402 West Washington Street, Room W271
Indianapolis, Indiana 46204
(317) 232-4070
FAX (317) 233-4648

Questions regarding the historical/cultural projects of the Wabash River Corridor Fund Program should be directed to:

Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, Room W274
Indianapolis, Indiana 46204
(317) 232-1646
FAX (317) 232-0693

Several other divisions within the Department of Natural Resources may review certain segments of grant applications. Construction in a floodway or alteration of a lake shoreline must be approved by the Division of Water. Appraisals are reviewed in the Division of Land Acquisition. The Division of Historic Preservation and Archaeology reviews natural/recreation projects to assess their impact on archaeological, architectural, and historic resources. Various types of technical assistance related to natural resource analysis of a park site are also available to park agencies by Department staff.

Chapter 2

How to Apply for a Natural/Recreational Grant

ELIGIBILITY CRITERIA

Applicants

Local units of government (preferably legally established park and recreation boards) within the identified 19-county corridor, or 501(c)(3) not-for-profit organizations may participate in the Wabash River Heritage Corridor Fund Program. Projects must be in Indiana, and located within the strip of land abutting the Wabash River, the Little River, or the historic portage to the Maumee River.

The project sponsor must administer the project through its completion and operate and maintain the site after completion. Any project receiving funding must be open to the public. Natural areas are required to allow for future (minimal) development for the Wabash River Heritage Corridor Trail. Park and recreation boards are strongly encouraged to have a 5-year park and recreation master plan approved by the Department of Natural Resources. Not-for-profit organizations and local units of government yet to form park and recreation boards are strongly encouraged to develop long-range plans, and site-specific plans that address natural and recreational goals and objectives.

Grant Application Funding Limits

All project sponsors may submit one application per grant round. The minimum grant-funding request is \$10,000. The maximum limit is \$250,000.

Park and Recreation Board

A town, city, township or county establishes a park and recreation board through local ordinance. Prior to creating a new park and recreation board, communities are urged to consider the alternatives for providing park and recreation services to their residents. In some cases, existing city or county park boards are willing to extend services to smaller towns or unincorporated areas in rural townships, avoiding duplication of services. Questions about creating a park and recreation board can be directed to the State and Community Outdoor Recreation Planning Section. In Indiana, there are various statutes that enable the creation of a town, city, township, or county park and recreation board. The most common state statute is known as the Indiana Park and Recreation Law (I.C. 36-10-3), originally passed in 1955 and amended several times since. This law is recommended, since it provides the board with a sound organizational structure and a broad range of powers and duties. Copies of the law are available from the Division of Outdoor Recreation.

Long Range Planning

Long and medium range park and recreation planning is an essential responsibility of the sponsor. To this end, the Department of Natural Resources encourages each park and recreation board to prepare a plan for meeting the recreation and open space needs of residents in its jurisdiction. A plan is submitted prior to the project sponsor's initial application for funds. A new plan is then prepared every five years in order to maintain the applicant's eligibility for participation in other grant programs. If the applicant is a not-for-profit, it also is highly recommended that a long-range plan be completed.

Planning Guidelines for Parks and Recreation is a publication that explains the Department of Natural Resources' planning requirements for a park and recreation five-year master plan. These guidelines are available from the Division of Outdoor Recreation.

It is strongly encouraged that a community has a five-year master plan and a focus on their recreation needs and priorities. If an applicant has completed a DNR-approved five-year park and recreation master plan, or has submitted a draft of a new master plan before January 15 of a calendar year (the final is due before April 15), the project may be awarded additional points during the rating process.

GRANT APPLICATION PROCESS

A project application for a Wabash River Heritage Corridor grant progresses through several steps. These steps may be summarized as:

1. Applications are reviewed, rated and approved.
2. Various state reviews conducted (Water permit, Historic Preservation, etc.)
3. Procedures to follow after project approval.
4. Project completion procedures.
5. Post completion responsibilities.

Natural/recreational project proposals will be evaluated in a consistent and objective manner, using the established rating criteria. The criteria emphasize the goals and priorities established by the Department of Natural Resources and the Wabash River Heritage Corridor Commission, to protect and enhance the natural, recreational, and cultural resources of the corridor. The project sponsor supplies information as part of the application for the factors that apply to the project.

This information is then evaluated by the Department of Natural Resources' staff. Projects that do not rate highly enough for funding may be resubmitted by the applicant in a subsequent grant round.

The competition for funds is great and it is normal to have more dollars requested than there are funds available. Since the types and costs of projects vary greatly, it is impossible to predict which projects and how many will be funded in a given grant round.

State Approval:

The rated and ranked list of projects is presented to the Wabash River Heritage Corridor Commission for recommendation to the Director of the Department of Natural Resources. The Director then approves projects on the ranked list, and submits it to the State Budget Agency with a request for the monies to be obligated for those projects.

The Department of Natural Resources will notify the project sponsor of final approval. The Department of Natural Resources may also issue a news release on the grant approval.

Reviews

All approved natural/recreational projects will be sent to the Division of Historic Preservation and Archaeology for historic preservation clearance. Other reviews within the Department of Natural Resources may be required.

MINIMUM PROJECT CRITERIA

1. The deadline for submission of project applications to the Department of Natural Resources will be announced each grant round. Applications must be postmarked no later than the application deadline.
2. Additional information requested by the Department of Natural Resources concerning the application must be on file prior to rating the project.
3. The sponsoring agency must have the local matching share of the project cost available when the application is submitted.
4. Operation and maintenance procedures and previous grant administration performance of the applicant must be adequate.

NATURAL/RECREATIONAL RESOURCE PROJECT RATING CRITERIA

The following criteria will be used to rate and rank applications for funding of natural/recreational resource projects from the Wabash River Heritage Corridor Fund (historical/cultural projects are rated using separate criteria developed by the Division of Historic Preservation and Archaeology). **It is the most important document in the application. Each element must be addressed in narrative form and must include supporting documentation in order to receive points.**

(1) Land Acquisition

20 points possible

Projects that involve the fee simple acquisition of land in perpetuity for natural resource protection or recreation purposes in the Wabash River Heritage Corridor will receive **20**

points. **Land acquired with assistance from the WRHCF must be held in perpetuity for resource protection and/or recreation.** Each acquisition project must include a site plan, statement of value from a state certified appraiser, and a description of how the project will be used. Acquisition of land shall be on a willing-seller basis only.

Land secured for natural resource protection and/or recreation via conservation easement or lease will receive **3-15** points, as determined by the review committee. Factors considered include the term, value, and the conditions of control.

(2) Wabash Heritage Trail

15 points possible

Projects that include development and designation of a segment of the Wabash Heritage Trail, the primary trail for walking and bicycling throughout the Wabash River Heritage Corridor, will receive **10** points. Projects that include Wabash Heritage Trail development connecting two or more separate parcels of public land or guaranteed publicly accessible land will receive **5** additional points.

(3) Environmental Protection

10 points possible

Projects that protect the Wabash River Heritage Corridor's significant natural areas and rare and endangered plants and animals will receive up to **10** points. The site's ecological features must be preserved, and interpretive signs or exhibits must be incorporated to receive points (this requirement may be waived if signs would jeopardize the resource). Interpretive components must be included in the cost breakdown in order to receive points under this factor. A project may receive points for either of the following when documentation is included:

1. Features of local/regional significance will receive **5** points. An explanation of the feature's importance by authorities such as biology teachers or DNR technical staff must be included.
2. Features of state or national significance will receive **10** points. These features need to qualify as state dedicated nature preserves, be considered significant ecological sites by *the* Indiana Natural Heritage Program, or qualify as National Natural Landmarks. To receive the full 10 points, applicant should commit to subsequent dedication as a state nature preserve, if appropriate.

(4) Recreational Development

8 points

Projects that expand recreational opportunities receive **8** points, and must remain in public recreational use for the life of the facility. Examples of recreation development include but are not limited to, play areas, shelters, campgrounds, boat access, fishing access, and picnic areas.

(5) Strategic Planning**7 points possible**

1. Projects submitted by legally established park and recreation boards with DNR-approved 5-year park and recreation master plan will receive **7** points. The project for which funding is being sought, must be consistent with the goals and objectives as outlined in the plan.
2. Projects from park and recreation boards (currently without an approved master plan) and all other eligible entities must include a comprehensive site-development plan, as well as a narrative addressing long-term goals, programming, and maintenance and management elements for the site to receive **5** points. Organizations should include a copy of their goals, objectives and plans demonstrating how this project supports their mission.

(6) Interagency Coordination**5 points possible**

Projects that improve and expand coordination within and among federal, state, and local governments, and/or 501(c)(3) not-for-profit organizations, and/or for-profit organizations to provide recreation opportunities and/or to conserve natural resources, will receive points.

Projects may receive points under each of the following categories:

1. The project is an integral part of another organization's strategic or comprehensive plan, which must be submitted with the project application in order to receive **3** points.
2. The applicant solicited the advice and cooperation of other organizations, such as community development departments, planning authorities, the Natural Resources Conservation Service (NRCS), special interest groups, schoolteachers, and DNR technical staff, and incorporated their recommendations in the proposed project. The consultation must be documented to receive **2** points.

(7) Natural Resource Education and Interpretation**5 points**

Projects that provide or expand natural resource interpretation facilities to develop greater awareness, understanding, and appreciation of the Wabash River Heritage Corridor's natural (or cultural) resources and their proper use and management will receive **5** points. Please include a detailed description of the educational/interpretive proposal. Facilities that provide interpretation of the site year-round without the need for personnel being present are also eligible to receive points. Interpretive signage must be in the cost breakdown to receive points.

(8) Participation in the WRHCC**4 points possible**

Beginning March 1, 2000, applicants will receive **2** points for every regular meeting of the WRHCC in which the commissioner or alternate commissioner is in attendance, or **1** point for every meeting of the WRHCC in which the commissioner's official proxy is in attendance. During this grant round, there are two such meetings (March and May), resulting in a total of 4 possible points.

(9) Energy Conservation**3 points**

Projects that incorporate energy-saving materials, alternative energy sources, or recycled materials will receive **3** points. Use of equipment or materials that have high percentages of post-consumer recycled content will also qualify under this factor. The cost of these energy-saving measures and recycled items is required to be listed in the cost breakdown.

(10) First WRHCF Grant**3 points**

First-time projects submitted by first-time sponsors (organizations that have not received WRHCF monies in the past) are eligible to receive **3** points.

Rating Criteria Summary

(1) Land Acquisition	20 points possible
(2) Wabash Heritage Trail	15 points possible
(3) Environmental Protection	10 points possible
(4) Recreation Development	8 points
(5) Strategic Planning	7 points possible
(6) Interagency Coordination	5 points possible
(7) Natural Resource Education and Interpretation	5 points
(8) Participation in the WRHCC	4 points possible
(9) Energy Conservation	3 points
(10) First WRHCF Grant	3 points

80 points possible

Chapter 3

Writing A Grant Application

Applications requesting assistance from the Natural/Recreational WRHCF category are submitted to the Department of Natural Resources, Division of Outdoor Recreation. This chapter describes how to complete application forms and various other attachments that must be submitted. Blank forms are included in all application packets or are in the appendix of the guidelines/manual. A checklist of the items needed for all project applications is at the end of this chapter. Applicants are encouraged to call the grants staff if questions arise in preparing an application. Please read the information carefully, since it will answer many of your questions. Each project sponsor should keep another copy of the complete grant application, as submitted, in local files. The grants section strives to keep program guidelines current. Contents of the grant application packet may change accordingly from year to year. If there is a conflict between text in this manual and the application packet, the current application packet will supersede the manual. In any case, a grants coordinator should be contacted immediately if anything is unclear.

Project applications must be complete when submitted to the Division of Outdoor Recreation. Incomplete applications will be returned to the applicant. Please review your project application carefully for consistency, original signatures, and correct dates, *before* it is submitted.

THE APPLICATION FORM

The information about the project, sponsor, and contact person will be used throughout the term of the project, so be sure it is accurate and the contact person listed is aware of his or her responsibilities.

PROGRAM NARRATIVE

This item should be written in narrative form and include the following elements:

1. Project Description. Indicate in detail how the land will be acquired, the type of development proposed, the type of park (neighborhood, community, block, etc.), and the type of users expected (inner city, weekend, youth, family, senior citizens, etc.), giving as much specific information about the project as possible.

2. Handicapped Adaptations. Describe how the project site will be adapted for use by persons with a disability, in conformance with the state's Handicapped Accessibility Code in the *Indiana Administrative Code* (I.A.C.) (675 I.A.C. 13-4-1 through 30). Site and building plans submitted with the project should illustrate these adaptations and adopt current design standards for accessibility. (A further description of the accessibility requirements can be found in Chapters 4 and 6.)

3. Overhead Wires and Other Environmental Intrusions. Overhead wires and other non-park structures can often interfere with a park landscape and sometimes even present dangers for the park user. Describe how you will remove existing overhead wires and other environmental intrusions on the site. All power lines must be identified on the site plan.

4. Public Participation. With increased public awareness and concern for government spending, it is important to receive public input beginning with the initial planning of a project. Sponsors must actively solicit public opinions and suggestions for potential projects. The project sponsor must submit evidence to prove public input was actively sought as part of the project application. This must be in the form of a public meeting and may also include a survey questionnaire. Describe how the public's suggestions and concerns were incorporated into the project proposal. The public meeting previously conducted for the five-year master plan or other type of plans not specific to the WRHCF project *will not* satisfy this requirement. Most projects will generate some negative comments. Negative comments should be discussed and mitigated if possible. Demonstrate that any negative comments were also taken into consideration when planning the project.

a. Public Meeting. A news article can provide evidence of the meeting and should discuss the project give the date(s) of the meeting(s), including the number of persons attending, and their general comments, both positive and negative. *If the project involves construction in the floodplain, this must be clearly stated in the news article.*

b. Written comments from local public officials.

5. Site Significance. Summarize the natural, cultural or other significance of the site. The historical/archaeological review process is discussed in detail as an application attachment.

APPLICATION ATTACHMENTS

To be considered for funding, the application must be accompanied by the following attachments.

HISTORICAL, ARCHAEOLOGICAL, AND ARCHITECTURAL REVIEW

Prior to submittal of an application, project sponsors should contract with a qualified archaeologist or historian to determine whether the project site has historical, archaeological, architectural, or cultural significance. The project sponsor should send the archaeologist a U.S. Geological Survey (U.S.G.S.) topographical map of the park site, a site plan of existing site features as well as the facilities proposed, and request a search of the records.

A review of archaeological records will determine if there are any known historical, archaeological, or architectural sites that will be impacted by the project. If the applicant has included a good description of the existing features and the proposed improvements, the archaeologist may be able to judge the site's potential significance based on the information provided.

When a project is received by the Division of Outdoor Recreation, a copy of the literature search must be included. This information should be summarized in Item 5 of the Program Narrative. The review process and contacts are described more fully in the application packet.

The initial review will involve expense for archaeological services. Since the process may also involve research, project sponsors should request a literature search early in the project. If a field reconnaissance is recommended, keep in mind archaeologists cannot conduct fieldwork when the ground is frozen. In most cases, the expenses incurred for undertaking an archaeological records search and/or reconnaissance are eligible project costs, if included in the project proposal.

If the research shows historical, archaeological, architectural or cultural resources are present on the site, they should be identified and a description of how the resources will be protected must be included in the Environmental Assessment. Also, if the project site or an adjacent site is listed on the *Indiana State Register of Historic Sites and Structures* or *National Register of Historic Places*, it should be explained. The project sponsor can exercise several options in order to avoid impacting a cultural resource site.

1. Move the facility to another area in the park where cultural resources are not present.
 2. Delete the facility from the project scope.
 3. Redesign the facility so that excavation into the cultural site will not be necessary.
 4. Another alternative would be to proceed with an archaeological mitigation, whereby all artifacts and features are recorded, removed, and deposited in the State Archives. This can involve considerable expense; therefore it is advised to avoid impacting cultural sites.
- Archaeological mitigation is not an eligible cost item.*

If your project is approved for funding, the grants section will transmit the project to the Division of Historic Preservation and Archaeology for review. In order for this review to be conducted, the project sponsor must submit the following items with the application:

1. U.S.G.S. Topographical map of the site. "Topographic" maps are available from DNR's W160, Indianapolis, 46204, telephone (317) 232-4200, or the Indiana Geological Survey, 611 N. Walnut Grove, Indiana University, Bloomington, 47405, telephone (812) 335-2862.
2. Photographs of the project site and all buildings.
3. Description of the pre-1930 structures on the site (include in Section I of the Environmental Assessment.)
4. Archaeological review letter.

Final review comments vary with the significance of the site and the intended use of the area. All projects must receive clearance before construction can proceed.

COST BREAKDOWN

One copy of a cost breakdown must be submitted with the project application. The cost breakdown should show all details of the acquisition and development for which reimbursement is being requested. The sample cost breakdown on page 3-9 shows an example of the detail needed. The total project cost shown on the cost breakdown must match the figure listed on the project Application Form. Be sure to include an amount for contingencies. Generally, a 10% contingency amount will help guard against increases in costs between the time when the estimates are made and project construction period begins.

EVIDENCE OF LOCAL MATCH

A statement from the local fiscal officer or appropriate authority verifying the applicant has funds for their matching share or pledges from donors stating their intentions to donate land, labor, and/or equipment.

RATING CRITERIA INFORMATION

Project sponsors provide information that will aid the grants staff in evaluating the project on the rating formula. These questions are extremely important and should be answered completely. *This is the primary document used by the grants staff to rate project applications for funding priority.* The rating criteria is explained in Chapter 2.

LETTER OF AGREEMENT

This letter should state that the sponsor would complete and maintain the submitted project as the agreed contract states.

PHOTOGRAPHS, MAPS, SITE AND BUILDING PLANS

1. Location Map. Each project application must be accompanied by accurate maps that pinpoint the exact location of the project site in sufficient detail so a person unfamiliar with the area will be able to find it without having to ask directions.

2. Boundary Maps. Enclose a plat map showing the exterior boundaries of the area to be acquired or developed.

3. Base Maps. Enclose a base map, which is properly labeled, color-coded or keyed into a legend. Examples of base maps for acquisition and development projects can be found later in this chapter.

4. Photographs. Pictures of existing buildings, recreation facilities and natural site features should be submitted.

5. Building Plans. Applications should be accompanied by a preliminary design and a floor plan for each building, shelter and other structures. These plans should be drawn to scale and show how the facility will be constructed to accommodate persons with disabilities.

LESSER PROPERTY RIGHTS

In addition to identifying all lesser interests on the base map, the legal document should be submitted with the application. This includes leases, permanent or temporary easements for access, streets, utility rights-of-way, scenic preservation, etc.

DEED (S) AND LEASES

One copy of the deed(s), easement(s) and/or lease(s) for the land to be developed should be submitted with the application. Refer to Chapters 5, 6, and 8 for land leased (1) to the sponsor and (2) by the sponsor to another entity for operation of the park. For land acquisition projects, the deeds for the tracts to be acquired must accompany the application.

ENVIRONMENTAL ASSESSMENT

The environmental effects of a project are evaluated through the preparation of an Environmental Assessment for all projects that may result in significant adverse effects to the environment. All Wabash River Heritage Corridor Fund projects must have some basic environmental data to determine the impact of the proposed action. All project applications must be accompanied by an Environmental Assessment/Analysis that includes:

1. The proposed action.
2. Alternatives to the proposed action.
3. Environmental impacts of the proposed action.
4. Listing of agencies and persons consulted.

It is very important the information provided is accurate and objective. Deceptive or inadequate analysis of potential impacts could lead to the withdrawal of state funds from the project, repayment of already reimbursed funds, or potential court action against the project sponsor. The following suggestions will assist in the preparation of this report.

1. Keep the environmental information free of project justification and personal bias. The project is fully justified elsewhere in the documentation.
2. Do not rely on generalities. The specific facts are essential. General statements and all allegations should always be supported and quantified.
3. Liberal use of maps, sketches, and related graphics to help explain the project are of great value. Pictures (including aerial photographs) reduce lengthy narratives.
4. Writing style should be kept clear and concise. Adverse impacts should be addressed as fairly as the beneficial impacts.

An outline for the Environmental Analysis is in the Appendix of this manual. The directions are broad to cover all types of projects and in most cases the answers to the various elements will be short. For most projects, the Environmental Analysis should be no longer than ten pages.

ACQUISITION PROJECTS ONLY

Appraisals

An estimate of value or full appraisal made by a state-certified appraiser must be submitted for each parcel of land to be acquired. See Chapter 5 for additional information regarding the appraisal and statement of value guidelines. If an estimate of value is submitted with the application, the applicant should hire the same appraiser to complete the full appraisal later. This should help provide consistency in land values.

DEVELOPMENT PROJECTS ONLY

Permits For Construction in the Floodway

Copies of the DNR Division of Water and U.S. Army Corps of Engineers' review letters or permits, for applicable development projects, should be submitted with the application. More information about these permits is contained in Chapters 2 and 6. Blank forms and instructions will be provided in the application packet.

(application checklist and cost breakdown on following pages)

WABASH RIVER HERITAGE CORRIDOR GRANT APPLICATION CHECKLIST

All grant applicants must submit the following items. Only complete applications will be accepted.

ALL PROJECTS

- ___ 1. Eligibility (includes local units of government in the 19-county corridor and 501(c)(3) not-for-profit organizations)
 - ___ 501 (c)(3) corporations must provide verification of not-for-profit status
- ___ 2. Application form, signed by the appropriate authority
- ___ 3. Cost breakdown showing the total cost of every scope item
- ___ 4. Evidence of local funds from fiscal officer or pledges from donors
- ___ 5. Program Narrative including:
 - ___ project description
 - ___ pre-agreement costs incurred to date
 - ___ access for persons with disabilities
 - ___ overhead wire burial or removal
 - ___ public participation
 - ___ other federal or state funding
 - ___ relocation of tenants, businesses, or homeowners (acquisition only)
 - ___ priority in WRHC Plan
- ___ 6. Historical, archaeological, and architectural review
- ___ 7. Location map (city or county road map)
- ___ 8. Boundary map showing all exterior boundaries of property
- ___ 9. Color photographs showing the site features in general
- ___ 10. Acquisition and/or development plans, identifying all scope items
- ___ 11. Building plans, preliminary, or conceptual plans for all buildings
- ___ 12. Environmental Assessment
 - ___ description of the proposed action
 - ___ alternatives to the proposed action
 - ___ environmental impacts of the proposed action
 - ___ list of agencies and others consulted
- ___ 13. Rating criteria information, including attachments
- ___ 14. Property deed(s) for the entire site
- ___ 15. Copy of application for permit(s) for water related construction

WABASH RIVER HERITAGE CORRIDOR GRANT APPLICATION CHECKLIST

LAND ACQUISITION PROJECTS

- ___ 16. Estimate of value for each parcel being acquired
- ___ 17. Option(s) to purchase, if applicable
 - ___ Statement of Just Compensation and Offer to Purchase **or**,
 - ___ Waiver of Just Compensation
- ___ 18. Escrow agreement(s)

AFTER APPROVAL BY THE DEPARTMENT OF NATURAL RESOURCES

The project sponsors must submit the following items for applications approved by the Department of Natural Resources.

- ___ 19. Project proposal assurances
- ___ 20. Park site boundary map, showing exterior boundaries of park, easements, rights-of-way, etc.
- ___ 21. Easement document(s) for all utilities, transportation, etc.
- ___ 22. Full appraisal for each parcel being acquired with WRHCF grant
- ___ 23. Property deed for each parcel being acquired

COST BREAKDOWN

SAMPLE

Wabash River Historic Trail

	Unit Cost	Total
1. Acquisition of 40 acres for linear greenway	\$50,000.00	<u>\$50,000.00</u>
2. Preliminary expenses		
archaeological reconnaissance	150.00	
preparation of site plan	<u>350.00</u>	
	500.00	<u>\$500.00</u>
3. Architectural and engineering fees	1,500.00	<u>\$1,500.00</u>
4. Construction of Trail		
grading	15,000.00	
asphalt surfacing	30,000.00	
landscaping	<u>9,500.00</u>	
	54,500.00	<u>\$54,000.00</u>
5. Construction of restroom building		
grading and asphalt path	5,000.00	
construction of building w/restrooms	15,000.00	
waterline and drinking fountain	2,000.00	
electricity	4,000.00	
landscaping	<u>600.00</u>	
	26,600.00	<u>\$26,600.00</u>
6. Interpretive Signage	5,000.00	<u>\$5,000.00</u>
7. Picnic Shelter		
grading	5,000.00	
shelter kit	12,000.00	
donated labor	3,000.00	
		<u>\$20,000.00</u>
Total		<u>\$157,600.00</u>

Chapter 4

Now That Your Grant Is Funded, What Next?

PROJECT APPROVAL

The local sponsor will be notified when project approval has been granted. A signed copy of the Project Agreement will accompany this notification.

Project Agreement Form

The Project Agreement will provide information required for project correspondence and will describe the responsibilities of the state and of the sponsoring grant recipient.

Accommodations for Persons with Disabilities

State and federal laws require certain design standards to be followed, which will enable persons with disabilities to use public facilities. There are three federal acts that provide the basis for assuring that discrimination against persons with disabilities does not occur. The State of Indiana, in conformance with these federal acts, has adopted the Handicapped Accessibility Code (675 I.A.C. 13-4-1 through 30). The federal Americans with Disabilities Act requires that sites and facilities must be designed so they are accessible to persons with disabilities.

PROJECT SEQUENCE

Once the project receives all state approvals, the local sponsor can complete negotiations and purchase the land or advertise for bids, sign contracts, and start construction. For acquisition projects, the sponsor should follow the procedures in Chapter 5. For development projects, the sponsor should refer to the construction guidelines in Chapter 6. Please note the information that must be sent to the Indiana Department of Fire and Building Services and the Division of Outdoor Recreation prior to construction.

Progress billings may be submitted after the project is approved as explained in Chapter 7. During the project period, the grants staff will make periodic inspections to insure the development is in accord with the project application. The project sponsor is usually notified prior to these inspections and invited to accompany the inspecting officers.

If changes occur or problems are encountered during the project period, the DNR grants coordinator for the project should be contacted immediately. As indicated previously, changes may result in a need to amend the project in order to insure full state assistance for the project.

PROJECT COMPLETION

When the sponsor submits the final billing, the grants staff will conduct a final inspection before final reimbursement. If the project has been completed in accord with the Project Agreement, the final billing can be processed. Additional documentation will be needed for the final billing as indicated in Chapters 7 and 8.

To be considered complete and ready for final billing, a permanent Wabash River Heritage Corridor Fund sign must be displayed on the site in accord with the instructions in Chapter 8.

The final billing should be submitted within sixty days of the completion of the project or expiration date, whichever comes first. This procedure will enable both the local sponsor and the Division of Outdoor Recreation to complete the final project data and terminate administrative procedures as soon as possible. The sponsor's long-term obligations regarding project sites are explained in Chapter 8.

Chapter 5

Acquiring Land

CRITERIA FOR ACQUISITION PROJECTS

Site Selection for a Grant Application

Acquisition projects include the purchase of a specified portion of land within the Wabash River Heritage Corridor for natural conservation and outdoor recreation purposes. Once acquired, this land must remain in public natural/recreational use forever. A project may involve the acquisition of several parcels to create a new park or expand an existing park. Examples of land acquisition projects are the purchase of land for a neighborhood park or parcels along a river to create a greenway park corridor.

In determining the boundaries of a project, the sponsor should take into account the impact of the acquisition and subsequent development, on residents in the adjacent area, in addition to engineering and other factors. If a partial taking would leave an owner with an uneconomic remnant, the project sponsor must offer to acquire the entire property.

State Land Acquisition Policies

The state of Indiana encourages public policy and procedures for the acquisition of real property that are fair and consistent, and directed toward giving the property owner the full measure of compensation authorized by law, promptly, with a minimum of inconvenience, and without prolonged negotiation or costly litigation. The land acquisition guidelines for Wabash River Heritage Corridor grants are designed to assure compliance with grant standards. These guidelines do not relieve the sponsors from their obligations to acquire land in compliance with pertinent portions of the Indiana Code. Acquisitions as part of WRHC projects may only be made from willing sellers. The use of Eminent Domain is prohibited.

Eligible Types of Land Acquisition

The types of acquisition that are eligible for Wabash River Heritage Corridor Fund assistance include, but are not limited to, those listed below. If there is a question about a project's eligibility, the sponsor should consult with the grants staff to obtain a determination of eligibility.

1. Water-Oriented Recreation Sites Frontage on rivers, streams, lakes, estuaries, and reservoirs; water bodies themselves; land for creating water impoundments; and areas that provide special recreation opportunities, such as flood plains and wetlands.

2. Natural and Scenic Areas Natural areas, nature preserves and outstanding scenic areas, including areas adjacent to scenic highways, where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These areas must be open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.

3. Community Parks Land within the river corridor for day-use picnic areas, neighborhood playgrounds, areas adjacent to school grounds, nonprofessional sports facilities, as well as open space used for parklands.

4. Regional Parks Sites in the river corridor serving county and regional recreational uses, such as camping, hiking, hunting, fishing and picnicking.

5. Linear Parks Parcels which form a greenway corridor for recreational use, such as an abandoned railroad line for a multi-purpose trail, or a series of access points to a river for boating and fishing, or a riverbank trail system.

6. Structures The acquisition of land and structures if the use will be for recreation, support of recreation activities or the structures have no value and are to be demolished to enable recreational development to take place. Wabash River Heritage Corridor Fund assistance may be used to acquire modest structures to be used as park manager's residences provided the cost of the structure is not a major part of the total acquisition cost. Grant proposals must list all improvements on the land being acquired and their proposed use or disposition.

7. Indoor Recreation Facilities Land may be acquired on which indoor recreation buildings will be developed. Examples include sites for community recreation centers, enclosed picnic pavilions, nature interpretation centers, and modest overnight accommodations such as cabins.

Ineligible Types of Acquisition

Wabash River Heritage Corridor fund assistance will not be used for:

1. School Sites Land to help meet a public school's minimum site size requirement, as established by state or local regulations.

2. Professional Facilities Areas and facilities to be used primarily for semi-professional and professional arts and athletics.

3. Fish and Wildlife Sites Areas and facilities to be closed to the public and used solely for game refuges or fish production purposes will not receive assistance; however, such areas and facilities may be eligible if they will be open to the public for general compatible recreation, or if they directly serve priority public recreation needs.

4. Railroads Lands, trestles, track, ties, ballast, stations, yards, and the like if they are to be used for the commercial, non-recreational operation of trains.

5. Farmland Agricultural land which will primarily continue to be used for farm purposes. Limited agricultural use is eligible if it supports recreation such as demonstration farms, wildlife management or hunting.

DEVELOPMENT ON LAND ACQUIRED WITH WABASH RIVER HERITAGE CORRIDOR FUND ASSISTANCE

Recreation Uses

Areas acquired may serve a wide variety of recreation activities including, but not limited to, walking for pleasure, sight-seeing, swimming and other water activities, fishing, picnicking, nature viewing, boating, sports, camping, horseback riding, bicycling, hiking, and other activities.

Acquisitions Involving Compatible Uses

Non-recreation uses that are compatible with and secondary to recreation such as flood control, buffer lands, water conservation, timber management, grazing, and other natural resource uses may be carried out within a project area. Such uses must be clearly described in project proposals.

Future Development Conditions

It is not necessary that future development is carried out with grant assistance or that the proposed unassisted development receive prior approval from the grants section so long as it is in accord with purposes for which the acquisition was made. Once the land is acquired, it must always be used for public natural and or recreation purposes.

On land where Wabash River Heritage Corridor Fund is used for the acquisition, certain regulations for the development of facilities must be followed. If an acquisition primary purpose is to preserve a natural area this property should still be made as publicly open as possible with the option for the Wabash Heritage Trail to pass through it. All facilities must be made as accessible as possible to persons with disabilities. Facilities that will compete with those provided by the private sector should generally be avoided. Chapter 6 explains other development requirements, such as state and federal permits and approvals, which need to be obtained for construction projects.

Acquisition for Delayed Development

Wabash River Heritage Corridor assistance may be used to acquire property for which the development of recreation facilities is planned at a future date. In the interim, after land acquisition and prior to development, the property should be open for those public recreation purposes that the land is capable of supporting or which can be achieved with minimum public investment. Non-recreation uses, such as agriculture, occurring on the property at the time of acquisition may continue for up to two years, contingent upon approval by the state. An exception is allowed if the seller retains a life estate. A life estate is the owner's right to occupy and use the property until their death. When land acquired is subject to a life estate, the grant funding will be made available immediately after the project is approved.

The project application must include:

1. A written request to continue non-recreation use during the interim period.
2. An assurance that any income received by the project sponsor for the non-recreation use will be used for future park development or conservation.
3. An assurance that the non-recreation use will be terminated within two years from the date of acquisition.
4. An explanation why immediate acquisition of the property is necessary.
5. A description of facilities that will be developed and when such development will occur.
6. An explanation of what, if any, non-recreation uses will be continued on the property and when such uses will be terminated.
7. An assurance of the type of public recreation access that will be provided during the interim period.

This policy does not prevent the continuation or introduction of non-recreation uses such as timber management, grazing, and other natural resource uses, or agriculture for wildlife habitat food plots. These must be clearly described in the project application, compatible with and secondary to the recreation uses intended for the property, and approved by the grants staff.

LAND ACQUISITION COSTS

Eligible Costs

Costs eligible in an acquisition project are:

1. The purchase of real property through negotiated purchase.
2. The purchase of lesser rights including permanent (conservation) easements and other interests in real property.
3. Real property acquired by donation from a private individual or organization.
4. Incidental and relocation costs as described in the federal relocation law, P.L. 91-646.
5. Acquisition of land from another public agency at the minimum cost allowed by law.
6. The difference in value between exchanged real property for another property having greater value.
7. Boundary surveys, appraisals, title search and legal fees paid by the sponsor for the land acquisition.

Ineligible Costs

Costs ineligible for funding in an acquisition project include:

1. Interest charges, fines and penalties paid by the sponsor.
2. The value of real property donations required by law or ordinance (mandatory dedication).
3. Taxes that the sponsor is not required to pay.
4. Damage judgments arising out of acquisition whether determined by judicial decision, arbitration, or otherwise.

Date When Costs Are Incurred

Confusion often arises in acquisition projects as to the exact date when costs are incurred. To be eligible for matching assistance, costs must be incurred within the project period (date of state approval to the date of project expiration), with one exception. Only if special permission is obtained, land purchases may occur prior to grant approval. Acquisition costs are incurred on the date when the earliest of the following transactions take place:

1. The project sponsor accepts the deed, easement, or other appropriate conveyance.
2. The project sponsor makes any payment toward the title to the property (escrow included). If the cost of an option to acquire land will count as part of the payment for the land if it is purchased, the option price will be eligible for reimbursement even though it was paid before the grant approval date.

Transfer Of Title

According to Indiana statutes, land is considered transferred when the warranty deed has been signed and recorded in the county recorder's office. If funding will be requested for the cost of acquisition, the deed for a land purchase or bargain sale cannot be signed by the seller or donor and buyer until the project is approved by the state.

The sponsor may want to guarantee that land will be available for purchase after grant approval. This might occur when the property is on the market for sale or a donor wants to give the land within a given time period for tax purposes. The property may be reserved for the sponsor by: (1) having a private third party acquire and hold title to the land, (2) by placing the title in escrow, or (3) by securing an option to purchase by a later date.

A third party could be an individual, private business or educational institution, not-for-profit organization, foundation, or other similar entity, as long as it is not a public governmental agency. Under certain circumstances, special permission may be obtained to take title to a land purchase prior to grant approval. These alternatives are explained below.

Option to Purchase

The sponsor may take an option on the property to prevent the land from being sold prior to the approval of a grant. To exercise an option to purchase, the buyer advises the seller that the buyer desires to complete the purchase. An option may be exercised after state approval, so that the date of the project approval would be the exercise date.

If an option is written (not exercised) prior to state approval of the grant, then it should extend 6 months after date of project submittal so it may be exercised after the grant is approved. Since competition for funds may be intense, sponsors may find it helpful to negotiate an option that can be extended for a second year. This could enable the project to compete for funds a second time if it were not approved in the first round.

The purchase price specified in the option to purchase will be the amount negotiated after the land has been appraised and the fair market value offered to the landowner (as explained in the section on negotiated purchases). In order to obtain an option it is customary to pay a nominal amount for the option. A good rule of thumb is not to exceed 10 percent of the appraised value of the property. This amount should be applied toward the purchase price of the property.

It is important to keep records of any costs associated with the option to purchase, since they can often be reimbursed after the project has been approved. Project sponsors are encouraged to consult with the grants staff before negotiating an option to insure the eligibility of the land acquisition under the option conditions.

Escrow Agreements

A landowner may want to transfer title to the land before a certain date to receive tax benefits. The sponsor may not be in a position to accept immediate title to the property since project applications usually do not know when they will receive state approval. In such instances, the warranty deed can be held in escrow by a third party (usually a bank, foundation or not-for-profit organization). An escrow agreement may state that acceptance of title by the sponsor is contingent upon approval of the Wabash River Heritage Corridor grant or may indicate a date after which title may be transferred to the sponsor if grant funds are not received. The important factor is that title must not be transferred until the project is approved.

Since the transaction is not actually completed and recorded while the land is in escrow, the landowner is still subject to taxes on the property while the land is in escrow. The sponsor should consult with their attorney on the responsibility they have to pay the taxes.

Early Acquisition Permission

Land purchased prior to grant approval is not normally eligible for reimbursement. Exceptions may be made only when immediate action is necessary and the time necessary to process an application would result in losing an opportunity to acquire the property. If this situation arises, the sponsor may obtain a “waiver of retroactivity” to take title to the property prior to project approval.

The sponsor must submit a written justification for the early acquisition, boundary, location and site maps of the proposed park, and completed an environmental checklist form, which is supplied by the Division of Outdoor Recreation. The request must be approved prior to acquisition.

If permission is given, the land value will be eligible for assistance only if a Wabash River Heritage Corridor Fund grant is later approved. Granting permission is only an acknowledgment of the need for immediate action; it does not imply a qualitative approval of the project. The retroactive costs are incurred at the applicant's risk, since the granting of permission for early acquisition does not in any way insure approval of the project. A project for land acquired in this manner may only be submitted within one year after permission is given. Early acquisition is allowed only when absolutely necessary. Other means of preserving the eligibility of land, such as escrow agreements and having private third entities hold title, are preferred.

METHODS OF ACQUIRING LAND

Following are explanations of the various methods of acquiring land. Every type of land acquisition will require an appraisal so that a legal basis of value may be placed on the land. For consistency between the grant programs and ease in administration, all appraisals should meet the federal criteria found in the Appendix.

Negotiated Purchases

This section outlines specific procedures as mandated by state law to follow in acquiring land through negotiated purchases involving grant assistance. These steps must be followed by the sponsor in negotiating with the landowner.

1. Make initial contact with the seller to see if the land might be available for sale. *At this point the price should not be negotiated* since the purchase amount must be based on an appraisal.
2. Have the land appraised, with the landowner having the opportunity to accompany the certified appraiser.
3. Purchase a title insurance commitment or evidence showing quality and completeness of title to be purchased.
4. Submit the appraisal and title commitment to the Division of Outdoor Recreation for approval by a staff review appraiser. Upon receiving approval of an appraisal, the sponsor then knows the acceptable fair market of the property to be acquired.
5. Based on the written offer at the appraised value, the final selling price can be negotiated. If the purchase price is more than the appraised value, additional documentation explaining the difference in value will be needed, as explained later in this section. If the price is less than the appraised value, the acquisition is called a "bargain sale", and a Waiver of Right of Just Compensation must be signed by the landowner as explained in the section on bargain sales. At this point, the sponsor may sign an option to purchase if desired.

A grant application may be submitted during any of the above steps to acquire the land. The appraisal(s), however, must have been submitted and approved prior to Step 5. Again, the land can only be acquired during the project period to be eligible for reimbursement of acquisition costs unless permission for early acquisition was granted for a negotiated purchase before the land was bought, as explained earlier in this chapter. The above procedure is mandatory and must be followed for all negotiated purchases.

Land purchased by negotiated purchase is based on a fair market value for the property as established in an independent appraisal prepared by a state certified appraiser hired by the sponsor. There are three sets of criteria for completing an appraisal report. The abbreviated appraisal report may be used for land to be purchased between \$5,000 and \$25,000. A full narrative appraisal is required for land value of \$25,000 or more.

When a parcel is valued at less than \$5,000 and the expense of an appraisal would be disproportionate to its benefit, a written finding of value by an appraiser will be acceptable. This should list the certified appraiser's qualifications and experience, and a short description of the factors considered and the means by which the value was derived.

The averaging of the final values of two or more appraisals to estimate the fair market value of a property does not meet the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act to establish the value to initially offer the landowner. I.C. 8-13-18.5-11 specifies that governmental agencies shall have the property appraised and not offer less than the appraised value. However, I.C. 36-1-10.5 requires many local governmental agencies, including park boards, to obtain two appraisals for tracts worth more than \$25,000. The appraisals must be prepared by state-certified appraisers licensed as real estate brokers under I.C. 25-34.1. This is why, for tracts worth more than \$25,000, the lower appraisal is the basis for the offer to the landowner, rather than the average of the two appraisals.

It is important that appraisals answer all items completely. Reports should be submitted in narrative form with separate sections for each major item, and have maps, pictures, and a full listing of comparable sales. The landowner must be given the opportunity to accompany appraisers when they inspect the property.

Sometimes a seller or purchaser desires to spread payments for a tract of land over several years. "Contract sales," where installment payments are made over a specified period of time, are not usually acceptable for grant projects. The main reason is that in the event the periodic payments are not paid when due, the seller could foreclose and regain complete ownership of the land. Thus the state and local funds would have been invested with nothing to show for the expenditure. Another reason is the deed and legal ownership of the land is retained by the seller until the last payment is made. Reimbursement of costs incurred cannot be made until the land is paid for in full and title is transferred. Consequently, if the payments for the land were spread over several years, the sponsor could not receive reimbursement for any payments until all payments were made. The Division of Outdoor Recreation staff should be consulted before a contract sale is arranged to see if it will be acceptable.

A suggested acceptable alternative is to subdivide a tract into smaller parcels. The sponsor may acquire full title to each parcel individually and receive reimbursement as each is acquired. This does not jeopardize the investment of public funds and improves the cash flow for the project sponsor. Assistance for separate parcels may need to be applied for in different grants over a period of years, depending upon the cost and timing of the acquisition.

Condemnation

The Wabash River Heritage Corridor grant program will not cost share on land acquisition projects where the land in question is taken by condemnation.

Land Donations

The value of land donated by a private individual or organization can be used as part or all of the sponsor's share of the project cost. The donated value may be matched with grant funds for the

acquisition of adjacent land or development on the donation or an adjacent site. A letter of intent to donate the property to the sponsor from the landowner must accompany the project application.

A written Offer to Purchase and Statement of Just Compensation are not necessary are not necessary when acquisition is by full donation. The legal act of donation precludes the necessity for these documents that relate only to negotiated purchases and bargain sales.

For land donations valued at \$5,000 or more, a formal appraisal is required. A statement of value will be acceptable when the land has a value less than \$5,000 and the cost of an appraisal would be disproportionate to its benefit.

The appraisal is then transmitted to the Division of Outdoor Recreation, which will submit it to the DNR staff review appraiser for approval. When the appraisal is approved, the fair market value will be the basis for the value of the land donation.

For the project application, one copy of either the appraisal or an estimate of value of the land must be submitted. Since a land donation constitutes all or part of the local matching share of a project's costs, it is important that the land value be established early to enable the sponsor to take full advantage of the donated land value and at the same time prevent the project sponsor from having to provide additional local funds if the land value is later found to be less than anticipated.

Bargain Sale

In some cases, a landowner may be willing to sell real property for less than the full market value, but is not able to donate the entire value of the land. A bargain sale involves the partial donation and partial purchase of a tract of land. The difference between the sale price and the appraised fair market value is considered donated land value. This value may be used as part or all of the local matching share of the project. The appraisal requirements for full donations also apply to bargain sales. When the lesser sale price or a bargain sale price is negotiated, the owner must sign a Waiver of Right to Just Compensation. A sample waiver is included in the Appendix. This statement must accompany the billing for the property along with the Statement of Just Compensation and Offer to Purchase.

Exchange of Real Property

Land owned and administered by the sponsor may be traded for more valuable land administered by another entity. The amount of grant assistance will be based on the amount of cash, if any, that must be paid by the sponsor in addition to the land conveyed away. Both parcels must be appraised.

For example, if the sponsor exchanges a property appraised at \$10,000 for privately-owned property appraised at \$12,000, the sponsor pays the difference of \$2,000 cash, then the amount to be reimbursed is 80% of \$2,000, which equals \$1,600.

Closing Statement, Deed, and Title Insurance

After closing the transaction the sponsor shall submit a closing statement for said transaction that clearly shows all elements of the transaction, including any gifts or discounts made by the seller. The sponsor shall also submit a copy of the recorded deed. The deed shall include a recital as follows: "The grantee herein agrees and affirms by recordation of this instrument that the subject

tract described herein shall remain in public natural/recreational use forever. Grantee also agrees to include this recital on any subsequent instruments of conveyance.” The sponsor shall also submit a copy of the title commitment showing marketable fee simple title, free of any liens, encumbrances, less than fee simple title, outstanding interests, reservations, adverse rights, and/or deed restrictions that may affect the eligibility of the project and the reimbursement process.

PROPERTY RIGHTS FOR CONTROL AND TENURE

Adequacy of Title

For lands included in a project proposal, the project sponsor must have title or adequate control and tenure of the project area in order to provide reasonable assurances that a conversion to a use other than public recreation will not occur without state approval. Property titles, easements, or other appropriate documents must be submitted as part of a project's documentation.

Reservations, Adverse Rights and Deed Restrictions

Oil, gas, mineral or other reservations and rights held by others are permissible only if it is determined that natural/recreational purposes and the environment would not be adversely affected. Such reservations and adverse rights and how they will be dealt with to avoid impacting recreation and the environment must be described in the narrative of the project proposal.

Often landowners desire to specify restrictions in the property deed. The most frequent example would be that the land can only be used for park purposes. If a deed restriction for park purposes indicates the grantor's intent and does not provide for reversion of title upon failure to comply with the grantor's wishes, the condition may be acceptable. In certain situations, a landowner may retain a life estate, under which they retain possession and use of the property while living.

Land which has a reversionary clause in the deed whereby the landowner could repossess the property if it ceased to be used solely for the purpose specified in the deed may make the project ineligible. This is because of the risk of losing the park after local and state funds have been invested in it. If a reversionary clause in the deed specifies that the land must be developed for a specific purpose, even though the project includes that type of development, the project may be ineligible since that use might change in the future, which could cause the land to be lost. A development project to construct a facility on land with a reversionary clause in the deed may also be ineligible, even though the land may have been acquired without grant funds. If property is acquired or developed using WRHC monies, state approval is required for lands in which the proposer has a less than fee simple interest. The Division of Outdoor Recreation should be consulted prior to submitting a project application involving restrictive deed clauses.

If at some later date the rights to subsurface mineral reservations or other deed restrictions adversely affect recreational use of the land or facilities, the sponsor will be responsible for acquiring property of equivalent usefulness, value and location, to replace those lands that are lost.

Outstanding property rights may affect the value of land. Examples include mineral rights, road rights-of-way, utility easements, life estates, and deed restrictions. An appraiser should be fully aware of, and take into consideration, the legal description of the property and the effect the

loss of these rights will have on its value. Land that has been or will be restricted for park use when it is transferred to the sponsor must be appraised as parkland as opposed to another highest and best use. As parkland, the value of the property may be significantly less than its value for other uses. Sponsors should explain this difference to landowners. Since sponsors are required by state and federal laws to offer the appraised value, landowners may be offered a lower price than anticipated.

Easements

In some instances, the sponsor will not be able to purchase the property but can acquire an easement. Grants from the Wabash River Heritage Corridor Fund grant program may be used to acquire permanent easements only. Wabash River Heritage Corridor Fund grants may assist the development of facilities on leased land or easements as explained in Chapter 6. Restrictions on the easement must be compatible with the intended recreational use of the land.

A copy of all easements must accompany the application for acquisition and development projects. If an easement has been or is to be executed prior to the submission of a development project application, a draft copy of the easement should be sent to the Division of Outdoor Recreation for review. Advance approval of such agreements may help insure the eligibility of the site for funding. Negotiations for easements must follow general negotiated land purchase regulations described earlier in this chapter.

Similar to the purchase of land in fee simple title, if grant assistance is being requested for the purchase of an easement, the easement cannot be transferred to the project sponsor until the project has received approval.

SUMMARY OF ACQUISITION PROCEDURES

The following steps apply to all acquisitions, except steps 4, 5, and 6 that may be excluded for full donations.

1. Make contact with the landowner regarding availability of the property and permission to appraise.
2. Have the land appraised according to the appraisal criteria by a state certified appraiser. The landowner must be given the opportunity to accompany the appraiser.
3. Submit the appraisal(s) for approval by the Department of Natural Resources.
4. Offer to purchase the property for the approved appraised value.
5. Negotiate the selling price.
 - a. If the owner wishes to donate part of the land's value, the acquisition will be a bargain sale and the owner needs to complete the Waiver of Right to Just Compensation.
 - b. In cases where the sale price is negotiated higher than the approved appraised value, a statement of difference in value may be submitted to the Department of Natural

Resources as justification for the higher price. Grant assistance may be provided for the increased amount, but is not guaranteed.

6. An option may be obtained once the price has been determined for a negotiated purchase.
7. State grant approval must be received by this point unless permission for early acquisition has been obtained, or the title should be put in escrow for land purchases.
8. Obtain title insurance or an abstract opinion, and then title to the land. The sponsor pays for the land, closing, and incidental acquisition costs.
9. A reimbursement request for the acquisition (80%) through the WRHCF can then be submitted to the Department of Natural Resources.

Chapter 6

DEVELOPING SITES AND FACILITIES

CRITERIA FOR DEVELOPMENT PROJECTS

Selecting Development for a Grant Application

A development project may consist of new construction or renovation of an existing facility for public recreation and/or resource conservation and restoration on property controlled permanently or temporarily by the project sponsor. The project must be a logical unit of work to be accomplished in a specified period of time. Projects should meet the needs of local citizens, be attractive, safe and compatible with the site's natural features.

Once developed, a project must remain in public natural/recreational use for the life of the facility (usually 25 years). Any proposed changes in the use of the facility must have the approval of the Department of Natural Resources.

Site Location, Control and Tenure

Facilities may be built on natural/park sites owned by the project sponsor or the general municipality, township, county or not-for-profit. If the land is owned by another city, county agency, department, another local governmental unit or another entity, it must either be leased, conveyed by easement, or title must be transferred to the project sponsor. If it is owned by the city or county in general, and the ordinance establishing the project sponsor does not vest control of the property in the project sponsor, the appropriate city or county body must pass an ordinance vesting control of the site in the applicant.

The project sponsor may have permanent control of the site through ownership in fee simple title or permanent easement. Project sites may also be temporarily transferred to the project sponsor from another entity, through leases and easements lasting at least 25 years. If the development will have a longer period of service, the duration must extend for a greater time, equal to the expected useful life of the facilities to be built.

A draft of all proposed easements and leases must accompany the application for development projects. If a lease or easement will be executed prior to the submission of a development project application, a draft copy of the document should be sent to the Division of Outdoor Recreation for approval before it is executed. Advance approval of such agreements may help insure the eligibility of the site for funding. Negotiations for easements and leases must

follow negotiated land purchase regulations as explained in Chapter 5. During the time period, the lease or easement cannot be revoked at will by the landowner unless the project sponsor is guilty of an infraction of the agreement. The land must still be retained in public recreation use for the duration of the established period, even though the lease or easement has been revoked. Provisions or outstanding rights in the lease or easement cannot be detrimental to the proposed natural/recreational development.

Eligible Types of Development

Development projects that are eligible for assistance include, but are not limited to, the types of facilities listed below. If there is a question about the eligibility of a project, the grants staff should be consulted for a determination.

1. Natural Resource Conservation and/or Restoration. Projects that enhance natural resource protection, or restore an area to its original (natural) state, including but not limited to reforestation, buffer strips along the river, wildlife habitat, fisheries-resource enhancement, wetlands creation or restoration, riverbank plantings for erosion control, and water-quality enhancement.

2. Boating. Facilities for power boating, sailing, canoeing, kayaking, sculling, and other boating activities. These facilities include docks, berths, launching ramps, breakwaters, mechanical launching devices, boat lifts, storage spaces, sewage pump-out facilities, fuel depots, and excavated boat basins and channels. Marinas must be open and available for public use.

3. Camping. Tent and trailer sites, tables, fireplaces, restrooms, information stations, concession areas, and utilities. Cabins and group camp facilities may also qualify.

4. Energy Conservation/ Recycled Elements. Solar energy systems, earthen berms, window-shading devices, energy lock doors, sodium vapor lights, insulation, water fixtures and other energy efficient design methods and materials. Additionally, power systems that minimize or eliminate a facility's use of non-renewable resources, such as windmills and water power systems, may also be eligible as support facilities. Recycled products such as benches, playground equipment, bike racks, building materials are encouraged. High post-consumer content is recommended.

5. Exhibit Facilities. Arboretums, outdoor nature exhibits, nature interpretation centers, some materials for community gardens, certain types of zoo facilities and other similar developments.

6. Fishing. Trails, fishing piers and access points, initial clearing, planting of forage and cover, stream improvements, wildlife management areas, fish hatcheries, etc.

7. Universal Access. Adaptation of new or existing recreation facilities and support facilities for use by persons with disabilities. Outdoor recreation facilities to be used exclusively by persons with disabilities are not eligible unless they are available to the general public or are part of a recreation area that serves the general public.

8. Picnicking. Family and group shelters, tables, fireplaces, grills and trash receptacles.

9. Renovated Facilities. Extensive renovation to bring a facility up to standards of quality and attractiveness suitable for public use. Renovations are most often made to meet public health and safety requirements. Renovation projects are not eligible if the facility's deterioration is due to inadequate maintenance during the reasonable life of the facility.

10. Trails. Funds are available for development and marking of overlooks, turnouts and trails for nature walking, hiking, bicycling, horseback riding, exercising, skiing, snowmobiling and other trail activities.

11. Winter Sport Facilities. Cross-country ski trails and facilities for ice skating, ice boating, sled runs, ice hockey rinks, and warming stations.

12. Support Facilities for Recreation. Entrance and circulation roads, fences, utilities, sanitation systems, dams, erosion control work, maintenance structures, parking areas, restroom buildings, concession stands, walkways, operation and maintenance facilities, landscaping, equipment to make a recreation facility operational, and certain materials and supplies required by the State Board of Health. The access roads must be owned or adequately controlled by the project sponsor. The principle objective is to serve the park and visitors. The relocation of power lines and dredging and restoration of publicly-owned lakes are also eligible. Support facilities must serve eligible recreation facilities. Projects that consist only of support facilities are not eligible for funding.

ELIGIBLE DEVELOPMENT COST

Consultant Services

Consultants may be hired through the competitive bidding process. A scope of services desired by the sponsor should be prepared and normal advertisement procedures followed. The sponsor may request proposals from firms and interview several of those submitting proposals. Firms should be selected objectively based on their professional qualifications, experience and quality of past performance. Hiring the lowest bidder is not required; however, a written explanation of the process used in hiring a consultant must be submitted to the Division of Outdoor Recreation with the contract. During the negotiation process, all bidders must be treated equally and given the same opportunities to revise their bids. Sponsors should consult with their attorney regarding hiring a consultant according to I.C. 5-15-11.

The consultant may be paid according to: (1) fixed price, (2) per hour, (3) per diem, or (4) actual expenses incurred. The contract must specify the payment method. No consultant fee may be paid to any federal, state or project sponsor's employee unless such a payment is specifically allowed by the Division of Outdoor Recreation.

Typical allowable consultant costs include: application preparation, site planning, environmental assessment preparation, grant administration, cost estimates, archaeological records search and reconnaissance, and construction plans and specifications. Costs incurred for designing facilities not in the project are ineligible. Pre-agreement costs necessary to prepare the application are allowed for reimbursement and must be identified in the project application.

Construction

Allowable construction costs include all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a facility. Construction may be done through a contract with a private firm, by use of the sponsor's own personnel and equipment (force account), or by in-kind contributions. Regulations regarding these three types of construction are explained in this chapter.

Contract Construction Wage

Wage rates established for construction-project employees must be the prevailing wage rate for the area. Since those rates change periodically, a new State Wage Rate Scale must be requested and included in the specifications each time construction is bid in a Wabash River Heritage Corridor Fund grant project. To obtain the most recent copy of the prevailing wage rate scale for a local area, contact:

Indiana Department of Labor
Employment Standards Division
402 W. Washington, Room W195
Indianapolis, Indiana 46204
Telephone: (317) 232-2683

Supplies and Materials

Supplies and materials may be purchased for a specific project or may be drawn from a central stock. The former should be charged to a project at their actual price, less discounts, taxes, rebates, etc., and the latter should be charged at cost under any recognized method of pricing which is consistently applied. Incoming transportation charges are a part of these costs. Eligible project supplies are those needed for the construction of a project, such as trash bags for clearing away debris along a route for a new trail. Supplies needed for the operation and maintenance of a facility are not eligible, such as paper towels, toilet tissue, cleanser and soap.

Equipment

The cost of renting equipment to construct a facility is generally eligible for grant assistance. The cost of purchasing equipment may also be eligible, but sponsors must clearly show that it is more economical to purchase an item than to lease it. These items might include air compressors, concrete equipment, pumps, power tools, etc.

Permanent recreational equipment, installed as part of the site facilities, is eligible for funding. Examples include bicycle racks, picnic grills and trash receptacles. Equipment such as bases for a softball field or tennis nets, which are necessary to make a facility initially operational, are also eligible, but only the first of such items may be claimed for reimbursement.

Information and Interpretation

Funds may be used to provide information directly at a project site, as distinguished from publicity. This may include signs giving information and directions in recreation areas, display boards, dioramas, interpretive facilities for the explanation of items of interest, and other facilities required to explain the site and to make it more safe for park users.

METHODS OF DEVELOPING FACILITIES

Development of a project site may be by contract, force account, in-kind contribution, or a combination of these methods.

The most common and preferred method of developing an area is by contract, because the project sponsor is assured that the construction will be completed by a designated date according to predetermined work standards. State law has in the past required that all construction over \$25,000 be competitively bid. These laws have changed in the recent past and the project sponsor should check with their attorney to see what bidding procedures should be followed. Additional information on state bidding requirements is included in the Appendix. *Please note that the total contract, rather than the amount of grant assistance, shall be the governing factor in determining whether contracts or subcontracts exceed \$25,000.*

Sponsors must inform bidders that Wabash River Heritage Corridor funds are to be used to assist in the park development, and that all relevant requirements will apply. It is preferable to include this information in the bid invitations or in notices released prior to bid invitations. These requirements can be found in the Appendix.

If an architectural or engineering firm prepares the specifications, make sure their standard contractual statements do not conflict with state requirements. Examples of conflicts may include termination or breach of contract and types and amounts of bonds required. All plans and construction specifications, including the addenda, must be submitted to the grants staff for approval prior to advertising for bids. In addition, copies of the bid tabulation summary sheet and all construction contracts must be submitted within fifteen (15) days after award of the contract. Any proposed change orders to the contract should first be cleared with the grants staff before the change order is negotiated.

The contract award should be made to the individual or firm whose bid is most advantageous to the sponsor. Contracts must be awarded to responsible contractors or suppliers who have the ability to perform successfully under the terms and conditions of the contract. Consideration should be given to such matters as contractor integrity, record of past performances, and financial and technical resources.

When the sponsor considers the lowest bidder unqualified, incapable or not responsible, the next lowest bidder may be awarded the contract. If a no-bid contract is awarded by the sponsor, or a contract is awarded to other than the lowest bidder, a letter of justification for this action must be sent to the Division of Outdoor Recreation with the bid summary. State approval must be obtained prior to awarding the contract in these two cases.

Force Account

The second method that may be utilized to develop a project site is force account. Sponsor may choose to use its own employees, machinery, or materials to develop facilities, rather than contract with an outside company.

Force account cannot be used to circumvent a competitive bidding process required by state law. Indiana law requires that all construction over \$25,000 be competitively bid. In accordance with state law, all force account projects must cost no more than \$75,000. Information about state bidding regulations and procurement procedures is in the Appendix. Further interpretation of the Indiana laws regarding this issue should be directed to the State Board of Accounts. If a sponsor plans to claim force account costs, this intent must be stated in the application documentation and in the explanation of any subsequent project amendment requests. The Appendix contains a Force Account Labor Form which is to be completed by the laborer and the sponsor authority. This statement is used to certify the rate and number of hours the laborer worked on the project.

In-kind Contributions

Grant-assisted facilities may also be developed by in-kind contributions that might consist of labor, equipment, materials and supplies donated to the sponsor by private organizations or individuals. In-kind contributions are eligible in a project only to the extent that there are additional acquisition and/or development costs to be met by the grant assistance requested for that project. These must be fully described and explained in the project proposal.

The amount of a donation for reimbursement purposes is determined as: (1) the value of the donation, or (2) the amount of cash spent by the sponsor for additional acquisition or development, whichever is less.

The Division of Outdoor Recreation must approve the sponsor's method of valuing in-kind contributions before project approval, if such contributions are to be considered as the sponsor's matching share. Unexpected donations that occur after project approval may also be eligible for reimbursement if requested by the sponsor and agreed to by the state. The procedures for determining the value of in-kind contributions from private sector sources are as follows:

1. Valuation of Volunteer Services. Volunteer services may be contributed by professional and technical personnel, consultants, and skilled or unskilled labor. Each hour of volunteered service may be counted toward the sponsor's matching share. The service must be an integral and necessary part of an approved project. The records of in-kind contributions of personnel services must include time sheets containing the signature of the person whose time is contributed and of their supervisor verifying that the record is accurate. The Donated Labor Form in the Appendix may be used for this purpose.

The value of a person donating time should be figured at the same rate as that paid to an entry-level laborer. Sponsors must contact their fiscal officer and ask for a letter specifying the amount paid to general laborers, and from that information the value of the donated service may be calculated. If the donor is professionally skilled in the trade or service to be provided, such as an electrician installing the electrical wiring or a plumber connecting the water supply, the rate this individual is paid for performing that trade may be claimed for matching assistance. A letter from the donor's employer, on company letterhead, must document this rate. The valuation method for donated labor must be calculated in the project application and documentation substantiating the wage rate to eventually be claimed must be provided. Chapter 7 gives more detail on required documentation.

2. Valuation of Donated Supplies, Materials and Equipment. The value of donated supplies, materials, and equipment that is purchased should be reasonable and not exceed the current market prices at the time they are purchased for the project. Records on in-kind contributions must indicate the fair market value by listing the comparable prices from other vendors or the amount paid by the donor.

3. Valuation of Loaned Equipment. Occasionally, equipment used in the construction of a park will be loaned to the project sponsor. The sponsor may claim the value of the equipment used as an in-kind contribution to the sponsor's share of project costs. In order to receive reimbursement, project sponsors must supply documentation signed by the donor stating: the date(s), number of hours used per date, the type and model number of the equipment used, price per hour or day, and total cost claimed as a donation.

4. Valuation of Other Donations. Other donations received by the sponsor specifically for the project may be accepted as part of a local agency's matching share, provided that the values of these donations are adequately supported and permissible under the law. Such donations must be reasonable and properly justifiable.

PROJECT REVIEWS

Another step in processing a project requires the submission of the project plans and the specifications to various agencies for the appropriate reviews. This section discusses the five major reviews required for development projects.

Fire and Building Safety Review

If a sponsor proposes the development of a new building or alterations to an existing building, the plans and specifications for the new construction must be sent to the state Department of Fire and Building Safety for review at least one month before the bids are to be let or construction started. These plans are to be prepared by an architect or engineer registered in the state of Indiana, or under his or her direct supervision. Sponsors must submit three sets of plans and specifications. They will distribute copies of the plans to the State Board of Health if necessary. For more information, contact:

Indiana Department of Fire and Building Services
402 W. Washington, Room W246
Indianapolis, IN 46204
Telephone: (317) 232-6422

Water Pollution Review

If a sponsor proposes construction of a sanitary sewer system, including additions or alterations to existing systems, plans and specifications must be submitted directly to the Indiana Department of Environmental Management for review and issuance of a construction permit. Such projects include public buildings, restrooms, dump stations overnight campgrounds, pools, bathhouses, etc. The plans submitted must show all water supply lines and where those lines connect into existing systems. Copies of the permit application forms, and additional information related to these requirements may be obtained from:

Indiana Department of Environmental Management
Office of Water Management

105 S. Meridian Street
Indianapolis, IN 46204
Telephone: 317/232-8476

Division of Water Review

When a sponsor proposes construction in the 100-year floodway or alterations to the shoreline or bed of a public freshwater lake, the board must submit copies of the plans and specifications to the Division of Water for review. Such construction includes fills, buildings, dams, excavations, bridges, piers or levees. It also includes recreation developments such as picnic shelters, ballfields, tennis courts, fishing ponds, swimming areas, or picnic and playground equipment. More information may be obtained by writing to the following address:

Indiana Department of Natural Resources
Division of Water
402 West Washington, Room 264
Indianapolis, IN 46204
Telephone: (317) 232-4167

A fee is charged to process a permit application. If a permit is required, it usually takes 60-90 days to issue the permit from the time an application is submitted.

The Federal Flood Disaster Protection Act of 1973 (P.L. 93-234), requires purchase of flood insurance for certain types of facilities constructed in the floodplain. Although Indiana regulations prohibit the construction of items in the floodway, these federal regulations apply to existing developments as well. Communities affected by designated flood hazard areas (as determined by the Department of Housing and Urban Development and later by the Federal Emergency Management Agency), will initially be required to join the flood hazard insurance program. Project sponsors may wish to contact their city/county executive or the Division of Water regarding the community's status in the flood insurance program and the eligibility of existing park structures for insurance.

Army Corps of Engineers

Section 404 of the Federal Water Pollution Control Act Amendments of 1972 gave the U.S. Army Corps of Engineers regulatory responsibilities to maintain water quality in our nation's navigable waters. A 1975 court case mandated that the Corps' authority be expanded to regulate the disposal of dredged or fill material in all waters of the United States. Thus, sponsors proposing construction that will involve the discharge of dredged or fill material will be required to obtain a Corps of Engineers' permit.

Along with the discharge of material which has been dredged or excavated from any waters of the United States, the following additional types of activities are regulated by this program: site development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as rip-rap, groins, seawalls, breakwater, bulkheads and fills; beach nourishment; levees; sanitary landfills, and backfill required for the placement of structures such as sewage treatment facilities.

Applications for a permit under this program may take up to six months to be approved. Project sponsors are urged to contact the applicable district office of the Corps of Engineers well in advance of the application deadline, so that processing of the project is not delayed. Applications for permits should be submitted to the offices listed below, depending upon drainage basin.

U.S. Army Corps of Engineers:

Louisville District
P.O. Box 59
Louisville, Kentucky 40201-0059
(502) 582-5607

Detroit District
Box 1027
Detroit, Michigan 48231
(313) 226-2221

Chicago District
219 S. Dearborn
Chicago, Illinois 60604-1717
(312) 353-6400

Division of Outdoor Recreation Review

The last review required for all development projects is a review of the plans, specifications, and contracts by the grants coordinator, who will review the project for compliance with state regulations. State regulations regarding bidding procedures must be adhered to. The grants staff will check to insure that the Contract Provisions in the Appendix have been included in all specifications for contracts which exceed \$25,000. The project will be reviewed for compliance with the scope of the project as written in the Project Agreement. Sponsors needing additional information regarding this final review should contact their grants coordinator at the following address:

Indiana Department of Natural Resources
Division of Outdoor Recreation
402 West Washington, Room 271
Indianapolis, IN 46204
Telephone: (317) 232-4070

Adaptation of Facilities for Persons with Disabilities

Facilities developed with Wabash River Heritage Corridor Fund assistance must be designed and built to be accessible to persons with disabilities.

The federal government has developed uniform standards for the design construction and alteration of buildings so that persons with disabilities will have access to facilities. These standards were published in and are similar to the American National Standard Institute's (ANSI) *Document A117.1-1980*. It can be purchased from the Architectural and Transportation Barriers Compliance Board, Washington, D.C. 20202. The state's Handicapped Accessibility Code, found in 675 I.A.C. 13-4-1 through 30, adopts the ANSI standards, but with differences in a number of specifications.

Project sponsors should consider the needs of persons with disabilities in every aspect of a project's design. Most of the adaptations are relatively inexpensive, especially when designed into the facility prior to initial construction. Some examples are:

1. Curb cuts or ramps that provide easy access to sidewalks.
2. Gradually sloped, hard-surfaced walkways leading from parking areas to all facilities.
3. Playground equipment designed to accommodate children with disabilities.
4. Picnic sites with tables designed for persons in wheel chairs.
5. Water fountains, public telephones, and similar facilities designed to permit use by persons with disabilities.
6. Hard-surfaced parking spaces with curb cuts and signs reserving them for persons with disabilities.

Chapter 7

Obtaining State Funds

After the Department of Natural Resources has approved the project, executed the grant agreement and reserved the grant funds, the sponsor may take title to the land or begin development. The grant will be made available to the project sponsor on a reimbursement basis. Billings must be submitted to the grants staff of the Division of Outdoor Recreation. The grants section will process the billing requests. It takes approximately six to eight weeks to process a billing and send a reimbursement check to the project sponsor.

WHEN COSTS CAN BE INCURRED

The sponsor may not purchase land or incur construction payments until the project has been approved by the state. Land may only be purchased prior to project approval if permission for early acquisition has been granted by the Division of Outdoor Recreation, as explained in Chapter 5. Other pre-award expenses may be eligible, as listed below. Private donations fall into the following categories as to when they may be received by the sponsor, depending on the type of contribution.

Any Time Before or During the Project:

1. Cash donations may be received.
2. Cost for architectural and engineering services, archaeological literature search and reconnaissance, construction reviews and permits, and preparation of the grant application may be paid.

After the Project is Approved:

1. Donations of labor may be made.
2. Donated park equipment and materials may be installed.
3. Land may be purchased and title transferred to the sponsor.
4. Construction expenses may be incurred.

All costs that have been incurred or paid and any donations received prior to the grant application must be explained in the project application. (See Chapter 3.) Any costs incurred after the project has expired are ineligible for assistance. Items added to a project by a change in scope amendment must be approved before costs may be incurred for those items.

BILLING SUBMISSION

Billings must be submitted to your grants coordinator to request reimbursement for Wabash River Heritage Corridor Fund grants. The billings should be numbered consecutively for each project cost, beginning with number one. Billings are to be at least 10% of the total grant amount before they can be processed and reimbursed.

FINAL BILLINGS

Billings may be submitted for up to ninety-five percent of the project cost prior to the final billing. Reimbursement for five percent of the project cost is withheld until the project is completed and a final inspection is performed.

One copy of the signed Post Construction Certificate must accompany the final billing for development projects. This form is included in the Appendix, and is completed by the supervising architect or engineer for the project. If the project did not involve a consulting architect or engineer, then the town or city engineer should inspect the project and sign the certificate. The final billing should be submitted to the Division within sixty days of the project completion or expiration, whichever comes first.

An "as built" or "as acquired" site plan, which clearly delineates the completion date, dimensions and location of the project, and Wabash River Heritage Corridor Fund assisted development or parcels of land acquired must be submitted at the time of final billing. This site plan will serve as a permanent part of the record of Wabash River Heritage Corridor Fund assistance at the site, and thus must be agreed to by the Department of Natural Resources. The grants staff will work with the sponsor in documenting the final site plan. When the plan is mutually satisfactory to the state and the sponsor, the project sponsor must file a copy of the "as built/acquired" site plan and a copy of the Protection Conditions for Natural Resource Conservation and Public Recreation page in the Appendix with the deed records for the site maintained by the county in the courthouse/office building. This information sheet explains the permanent state protection afforded the site for acquisition. Evidence that these items have been recorded must be received before the final reimbursement check will be issued.

BILLING DOCUMENTATION

There are several types of documentation that must be submitted to the DNR. All billings are submitted on the Billing Summary form, accompanied by various supporting documents depending upon the type of project. One copy of this billing form should be submitted once the project is completed. A blank form is in the Appendix, and copies may be made for your billings.

Acquisition Projects

A reimbursement request for acquisition costs must include the following items:

- 1. Claim Vouchers.** One copy, front and back, of itemized claim vouchers. These claim vouchers must be properly certified by the sponsor's authorized officials. The project name and number should be specified on the claim vouchers. The warrant number of the check payment should also be entered on the vouchers. We understand that not-for-profit organizations might not have "claim vouchers," and are therefore not required.
- 2. Canceled Checks.** One copy, front and back, of the canceled check corresponding to each claim voucher.
- 3. Warranty Deeds.** One copy of the recorded warranty deed for each parcel transferred to the sponsor.

4. Closing statements. One copy of the closing statement or other documentation showing that incidental expenses were paid by the sponsor, even if state reimbursement is not being requested for those costs.

Development Projects

A reimbursement request for development costs must include the following items:

- 1. Invoices.** One copy of invoices from firms or individuals performing work or supplying materials or equipment for the project. The project name and number should be specified on invoices. The eligible costs should be identified if the invoices include items that are not part of the project.
- 2. Claim Vouchers.** One copy, front and back of itemized claim vouchers corresponding to the invoices. The claim vouchers must be properly certified by the authorized park and recreation board members and the proper city or county officials, and/or not-for-profit officials if applicable. The project name and number should be specified on both claim vouchers. If the claim voucher contains items that are not part of the grant project, all eligible items need to be identified. The eligible items should be designated with the project number. This designation should be made at the time the claim voucher is prepared.

Sponsors are tax exempt and therefore cannot be reimbursed for payment of sales tax.

3. Canceled Checks. One copy, front and back, of the canceled checks corresponding to the claim vouchers. If the check includes payment for ineligible items, the eligible amount included in the billing should be written on the check and labeled as "eligible".

4. Force Account. If force account costs are claimed in a development billing, the following types of information are required:

a. Payroll. One copy of the sponsor's payroll for the time period for which force account costs are being claimed. The names of those individuals for whom costs are claimed should be circled or underlined.

b. Canceled Checks. One copy, front and back, of the canceled checks corresponding to the force account items. The amount paid for eligible costs should be indicated on the checks by writing across the checks "eligible" and the amount.

c. Force Account Labor Form. One copy of the form, which includes a statement that the individuals, for whom in-kind costs are claimed, actually performed the listed work. This statement should be signed by both the employee involved and the sponsor's official. The form may be found in the Appendix.

5. Private In-Kind Donations. The following documentation is required for each of these types of contributions:

a. Donated Labor. The Donated Labor Form in the Appendix must be completed for each person donating labor for construction and dated and signed by the donor and sponsor's official. The per-hour value of the labor donations will usually have been documented in the project

application as explained in Chapter 3. If a skilled person donates time that has not previously provided evidence of their hourly wage rate, it should be submitted with the billing.

b. Donated Materials. A letter from the donor, which briefly describes the items and indicates that they were given for the project must be provided. To establish the value of the gifts, two price quotes for the same materials should be provided from two nearby commercial suppliers. The lower of the two quotations will establish the donated value.

c. Donated Equipment. A letter from the donor, which briefly describes the equipment and its use in the project, must be submitted. For site furnishings, such as park benches or playground apparatus, price quotations from suppliers of identical equipment will establish the value for billing purposes. In the case of construction equipment, such as bulldozers and backhoes, they will be valued on a per-hour rate, quotations of local rental rates from other suppliers and the donor may be used to determine the donated rate per hour. The donor's letter for construction equipment needs to list the dates, hours, and type of work performed for the project.

d. Donated Cash. Since these contributions are used to pay expenses for a project, the regular payment documentation suffices for cash gifts.

Billing Assembly

A complete summary of development and acquisition money spent on the project will be requested. Items included in the final billing documents of the Wabash River Heritage Corridor Fund are claim vouchers, canceled checks, and invoices. It is recommended that the invoice, claim voucher and canceled check for each payment be stapled together, along with any other applicable acquisition or construction documents as outlined earlier. For donated items, each contribution should be listed on the billing form and the supporting evidence of value and donation indicated above should be stapled together. This documentation should be arranged in the same order as shown on the billing form.

These supporting materials for payments and gifts should be compiled into one stack with the billing form on top. A transmittal letter should identify any items on claims that were deducted due to ineligibility and provide a short summary of the project's status to date.

(please see Billing Checklist on the next page)

BILLING CHECKLIST

The sponsor's project administrator will want to review the billing to make certain it has been properly assembled. This checklist has been developed to aid this review.

Acquisition Billing Checklist

Items that should be included in a billing for acquisition costs are:

- ___ 1. One copy of the Wabash River Heritage Corridor Fund Billing Form.
- ___ 2. One copy, front and back, of the itemized claim vouchers (if applicable) unless the entire acquisition is by donation.
- ___ 3. One copy, front and back, of canceled checks.
- ___ 4. One copy of the recorded deed.
- ___ 5. One copy of the closing statement or other documentation showing that incidental expenses were paid by the project sponsor, as required.

Development Billing Checklist

Items which should be included in a billing for development costs are:

- ___ 1. One copy of the Wabash River Heritage Corridor Fund Billing Form.
- ___ 2. One copy of the invoices for development.
- ___ 3. One copy, front and back, of itemized claim vouchers (if applicable).
- ___ 4. One copy, front and back, of canceled checks.
- ___ 5. One copy of the force-account contribution information, if applicable.
 - ___ a. Payroll
 - ___ b. Canceled checks
 - ___ c. Force Account Labor Form
- ___ 6. One copy of the private in-kind donation information, if applicable.
 - ___ a. Donor's letter or Donated Labor Form
 - ___ b. Evidence of value
- ___ 7. One copy of the Post-Construction Certificate, if it is the final billing.

Chapter 8

Finishing Touches and After You Are Done

PROJECT COMPLETION

The date of completion is when all work for a project is finished. The project sponsor should submit the final billing for the project within sixty days of the date of completion. Upon notification of project completion, the grants staff will conduct a final inspection.

The final billing documentation is explained in Chapter 7. Of special note are the "as built" or "as acquired" site plans. The plan must identify the work funded by the grant, project site boundaries and otherwise be similar to the site plans illustrated in Chapter 3 for grant applications. In a few cases, there may be no changes from the site map submitted with the application other than labeling it with the completion date. The Division of Outdoor Recreation may need to make additional notations or revise information on the map.

This site map becomes part of the permanent record in the Department of Natural Resources. In the case of public entities, these property records must be maintained and available for public inspection with the project agreement. It must be identified as having been acquired or developed with Wabash River Heritage Corridor Fund assistance and that it cannot be converted to other than public natural/recreational use without the written approval of the Indiana Department of Natural Resources.

The sponsor must officially record the state-approved site plan, along with a copy of the Protection Conditions for Natural Resource Conservation and Public Recreation statement, found in the Appendix, with the deed records for the site which are maintained by the county deed registry. The attachment explains the protection provided by the Wabash River Heritage Corridor Fund program against conversion of the site to other uses. Preferably, this perpetuity language is written directly into the deed upon transfer of the property. Evidence that both documents have been recorded must be submitted before the final reimbursement will be sent to the sponsor.

PERMANENT SIGN

A Wabash River Heritage Corridor Fund sign must be erected and displayed for all projects when completed. The sign should give adequate recognition to each agency involved in the acquisition or development of the particular site, and indicate that the project was a cooperative project for public recreation assisted by the Wabash River Heritage Corridor Fund. The cost of constructing the sign is eligible for matching assistance and should be included in the cost breakdown with the project application. The size of these signs may vary, but they should be readable from an appropriate distance and placed in a high traffic area, such as the park entrance.

RETENTION OF RECORDS FOR AUDIT

In addition to the documents submitted to the state, copies of all construction plans, specifications, bid advertisements, bid tabulations, contracts, and change orders must be retained by the project sponsor for a period of three years, beginning after the final reimbursement has been received, or until audit findings have been resolved. Similar records regarding acquisition projects should also be kept particularly a history of negotiations with the landowner. All accounting records and project data are subject to state audit. The state of Indiana reserves the right to question any item for which reimbursement was received until an audit is made. The State Board of Accounts reviews all Indiana governmental fiscal procedures for legal compliance.

FINAL INSPECTIONS

Upon project completion, a final inspection is made by the grants staff prior to authorization of the final payment. Completed projects are inspected periodically by the Division of Outdoor Recreation and copies of this report are sent to the project sponsor. These inspections are made to insure that: (1) the site is being used for the purposes intended, (2) the site is attractive and appropriately maintained, (3) the area is accessible and open to the general public, (4) the site has a Wabash River Heritage Corridor Fund sign, and (5) that there is adequate staff to ensure proper safety and servicing of the facilities. It must be emphasized that the state of Indiana has no desire to become involved in the daily operation and maintenance of a funded facility. The operation and maintenance requirements are no more restrictive than those required by the local citizens for the project they have helped finance.

OPERATION AND MAINTENANCE

Property acquired or developed with Wabash River Heritage Corridor Fund assistance must be operated and maintained for general public use. The site should appear attractive and inviting to the public. Proper sanitation and sanitary facilities should be maintained in keeping with health standards. The site should be kept safe for public use. Buildings, roads, trails and other improvements should be kept in reasonable repair throughout their lifetime to prevent deterioration and to encourage public use. Evidence of vandalism should be repaired as quickly as possible.

GENERAL PUBLIC USE

The facility should be kept open for general public use at reasonable hours and times of the year, according to the type of area or facility. Property acquired or developed with state assistance shall be open to entry and use by all persons regardless of race, color, religion, sex, national origin, age, disability or place of residence.

The site can not be restricted for use only by community or county residents. A higher user fee may be charged to out-of-city or out-of-county residents. Where there is no charge for residents, but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged to nonresidents at comparable public facilities. Reservation, membership or annual permit systems available to residents must be available to nonresidents and the period of availability must be the same for both residents and nonresidents. These provisions apply only to the natural/recreational areas described in the Project Agreement.

Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Wabash River Heritage Corridor Fund assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the number of persons using an area or facility or the type of users, such as "fishermen only" or "hikers only". All limitations shall be in accord with the grant agreement and amendments.

SUMMARY OF PROJECT COMPLETION STEPS

1. Permanent signs are posted at the project site by the sponsor, recognizing the Wabash River Heritage Corridor Fund.
2. The sponsor files the Protection for Natural Resource Conservation and Public Recreation Statement with the park property deed(s) in the county deed registry (preferably, this perpetuity language is written directly into the deed upon transfer of the property).
3. The sponsor submits the final billing, including evidence that step 2 was completed.
4. The grants staff conducts a final inspection of the site.
5. If the project passes inspection and the billing is complete, the final billing will be processed and that project considered finished.



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